

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

DRAFT
9.9.21

BILL 1

LLS NO. 22-0065.01 Jery Payne x2157

INTERIM COMMITTEE BILL

Transportation Legislation Review Committee

BILL TOPIC: "Fluid Milk Products Not Divisible Load"
DEADLINES: File by: 8/25/2021

A BILL FOR AN ACT

101 **CONCERNING THE DETERMINATION THAT A LOAD OF FLUID MILK**
102 **PRODUCTS HAULED BY A VEHICLE IS NOT A DIVISIBLE LOAD**
103 **UNDER THE VEHICLE WEIGHT LIMITS PERMITTED BY LAW.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Transportation Legislation Review Committee. Current law has weight limits for vehicles. One of the factors that determines a vehicle's weight limit is whether a load is divisible, which means that the load can be divided up to lower its weight. The bill deems that a load of fluid milk products carried by a vehicle is not a divisible load.

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) In 2015, the United States Congress passed the "Fixing
5 America's Surface Transportation Act", Pub.L. 114-94, also known as the
6 "FAST Act";

7 (b) The FAST Act includes a provision in 23 U.S.C. sec. 127
8 (a)(13) that reads "A vehicle carrying fluid milk products shall be
9 considered a load that cannot be easily dismantled or divided
10 [nondivisible].";

11 (c) Congress designated fluid milk as a nondivisible load because
12 milk drivers must pick up the entire stock of milk that a dairy farm
13 produces every day and deliver it to the dairy;

14 (d) The Colorado department of transportation promulgated a rule
15 to conform with the provision in the FAST Act, but the rule was
16 inconsistent with and narrower than the provision; and

17 (e) With respect to the provision in the FAST Act, this act merely
18 harmonizes Colorado law with the FAST Act.

19 **SECTION 2.** In Colorado Revised Statutes, 42-4-510, **add** (1)(d)
20 as follows:

21 **42-4-510. Permits for excess size and weight and for**
22 **manufactured homes - rules - definition.** (1) (d) FOR THE PURPOSES OF
23 THIS SECTION, SECTION 42-4-511, AND ANY RULE PROMULGATED UNDER
24 THIS SECTION OR SECTION 42-4-511, A LOAD OF FLUID MILK PRODUCTS
25 CARRIED BY A VEHICLE IS DEEMED TO NOT BE A DIVISIBLE LOAD.

26 **SECTION 3. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.